



POLICE DEPARTMENT

July 27, 2010

MEMORANDUM FOR: Police Commissioner

Re: Police Officer Brandon Remouns
Tax Registry No. 943723
1 Precinct
Disciplinary Case No. 85899/09

The above-named member of the Department appeared before the Court on May 25, 2010, charged with the following:

1. Said Police Officer Brandon Remouns, assigned the 1st Precinct, while off-duty, on or about and between November 15, 2008 and July 1, 2009, at a location known to the Department, engaged in conduct prejudicial to the good order, efficiency or discipline of the Department in that Police Officer Remouns knowingly associated with [REDACTED] a person he knew or reasonably believed to have engaged in criminal activities, by giving him a P.B.A. card containing his Police Department information and his cell phone number (*As amended*).

P.G. 203-10, Page 1, Paragraph 2(c) PUBLIC CONTACT PROHIBITED CONDUCT

The Department was represented by Rudolph Behrmann, Esq., Department Advocate's Office, and the Respondent was represented by John Tynan, Esq.

The Respondent, through his counsel, entered a plea of Guilty to the subject charges. A stenographic transcript of the mitigation record has been prepared and is available for the Police Commissioner's review.

DECISION

The Respondent, having pleaded Guilty, is found Guilty as charged.

EVIDENCE IN MITIGATION

The Respondent testified that he was 26 years old and had been a member of the Department for approximately three years. He took the Police Officer examination in September 2006. [REDACTED]. Other than having attended and graduated from Finger Lakes Community College, he had lived in [REDACTED] his entire life.

The Respondent stated that he knew [REDACTED] ([REDACTED]). [REDACTED]

[REDACTED]
The Respondent first met [REDACTED] [REDACTED] when the Respondent was 10 or 11 years old.

At the time of trial, the Respondent testified, the child was 12 years old. [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED], the Respondent testified, he would see [REDACTED] in connection with [REDACTED], when [REDACTED] would [REDACTED]

[REDACTED]
[REDACTED] When the Respondent was younger, he heard that [REDACTED] had been arrested but he did not know for what offense. He denied knowing if [REDACTED] had been incarcerated.

The Respondent testified that he did not tell [REDACTED] that he was a police officer because it "wasn't something that was brought up that I was, you know, broadcasting about." [REDACTED] later found out, however, and began asking the Respondent for a Patrolmen's Benevolent Association

(PBA) courtesy card. Eventually the Respondent "got tired" of [REDACTED]'s hectoring and gave him a card.

The Respondent testified that he ordered PBA cards through his PBA delegate. These cards had the Respondent's shield number on the front. His delegate told him that the device was a "courtesy card" for friends and family. He was not told that it would obtain "special privileges."

The Respondent submitted to an official Department interview by the Internal Affairs Bureau (IAB). He admitted telling IAB that he knew [REDACTED] had an arrest record in the past, dating to the Respondent's teenage years. The Respondent denied being informed by IAB that [REDACTED] had any further record.

On cross-examination, the Respondent said that he did not recall when he gave the PBA card to [REDACTED]. [REDACTED]'s arrest occurred when the Respondent was "a lot younger." He admitted that he had no doubts or misgivings about giving the PBA card to [REDACTED]. The Respondent did not give him one at first because he had ordered a limited amount.

The PBA card in evidence as Department's Exhibit (DX) 1 is a 2008 card. It has an image of the Police Officer shield with the Respondent's shield number printed within a white space. The Department logo patch also appears on the front of the card. "Patrolmen's Benevolent Association" and "NYCPBA" are highlighted on the card, and the name of the union president appears on the bottom. On the back of the card the Respondent put his name, his cell phone number, and that [REDACTED] was a "friend." The "Issued to:" line on the card indicates that it was issued to [REDACTED].

PENALTY

In order to determine an appropriate penalty, the Respondent's service record was examined. See Matter of Pell v. Board of Education, 34 N.Y.2d 222 (1974). The Respondent was appointed to the Department on January 10, 2007. Information from his personnel file that was considered in making this penalty recommendation is contained in an attached confidential memorandum.

The Respondent has pleaded Guilty to associating with an individual that had a criminal record. The individual, [REDACTED], was a friend, [REDACTED]
[REDACTED]
[REDACTED]

The Respondent admitted that he knew [REDACTED] had an arrest record. The Respondent testified that [REDACTED] constantly hounded him for a PBA card. Eventually, the Respondent relented and gave [REDACTED] one of his cards for 2008. The Respondent had obtained several of these cards from his PBA delegate. His shield number was on the front of the card in a space inside a photograph of the Police Officer shield. On the back of the card, the Respondent signed his name, put down his cell phone number, and wrote that [REDACTED] was a "friend." The "Issued to:" line on the card indicates that it was issued to [REDACTED] (the beginning of the writing "[REDACTED] appears, but was unfinished). [REDACTED] was later arrested and the card was taken into evidence. IAB began an investigation, leading to the charges against the Respondent.

On penalty, the Respondent argued that the case merited only a warning and admonishment to be placed in his file. The Department recommended a penalty of 10 vacation days.

The Court does not view giving a PBA card to someone with a criminal record as a trivial act. The Respondent admitted that his hesitation in giving [REDACTED] a card was due to the limited amount of cards he was allotted. When asked, "At any given moment before giving him the card, did you ever have any misgivings or doubts about giving the PBA card to Mr. [REDACTED]," the Respondent said no. This misconduct merits more than a warning and admonishment. Accordingly, the Court recommends that a penalty of 10 vacation days be imposed. See Case No. 80411/04, signed June 7, 2005 (twelve-year member with no disciplinary record forfeited 10 vacation days for taking a trip with, and giving a PBA card to, a family friend that the Respondent knew had a criminal history).

Respectfully submitted,

APPROVED
SEP 29 2010
RAYMOND W. KELLY
POLICE COMMISSIONER



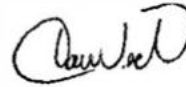
David S. Weisel
Assistant Deputy Commissioner Trials

POLICE DEPARTMENT
CITY OF NEW YORK

From: Assistant Deputy Commissioner – Trials
To: Police Commissioner
Subject: CONFIDENTIAL MEMORANDUM
POLICE OFFICER BRANDON REMOUNS
TAX REGISTRY NO. 943723
DISCIPLINARY CASE NO. 85899/09

The Respondent received an overall rating of 4.0 “Highly Competent” on his most recent annual performance evaluation. [REDACTED]
He has no prior formal disciplinary record.

For your consideration.



David S. Weisel
Assistant Deputy Commissioner – Trials